

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Clayton Clemons,)	C/A No.:6:07-cv-03286-GRA
)	
Plaintiff,)	ORDER
)	(Written Opinion)
v.)	
)	
Cpl J. N. Bradley, SC Highway Patrol;)	
Chris Scalzo, Public Defender Office;)	
Judge C. R. Garrett, Greenville County)	
Summary Court;Paul B Wickensimer,)	
Greenville County Clerk of Court;)	
Bob Ariail, Greenville County Solicitor;)	
Barbara H Tiffin, Assistant Solicitor;)	
Judge John L Breeden, Jr., Circuit)	
Court Judge; Joseph L Savitz, Chief)	
Attorney, Division of Appellate)	
Defense; Kenneth A Richstad, Clerk)	
of SC Court of Appeal;Harold M)	
Coombs, Jr., Senior Assistant)	
Attorney General;Jasper M Cureton,)	
A.J. SC Court of Appeal; Kaye G)	
Hearn, C.J. SC Court of Appeal;)	
Jean H Toal, C.J. SC Supreme Court;)	
andHenry McMaster, Attorney)	
General, SC,)	
)	
Defendants.)	
)	

This matter comes before the Court on the plaintiff's motion to stay this matter until he can acquire a copy of the trial transcript, filed November 7, 2007. For the reasons stated herein, this Court denies the plaintiff's motion.

Plaintiff brings this claim *pro se*. This Court is required to construe *pro se* pleadings liberally. Such pleadings are held to a less stringent standard than those

drafted by attorneys. *See Gordon v. Leeke*, 574 F.2d 1147, 1151 (4th Cir. 1978). This Court is charged with liberally construing a pleading filed by a *pro se* litigant to allow for the development of a potentially meritorious claim. *See Boag v. MacDougall*, 454 U.S. 364, 365 (1982).

Plaintiff filed this action October 1, 2007, complaining that his constitutional rights had been violated during a traffic related, criminal adjudication in state court. Magistrate Judge Catoe recommended dismissing this action without prejudice on October 12, 2007. Subsequently, this Court gave the plaintiff an extension of time to file objections to the magistrate's Report. Rather than filing objections, on November 7, 2007, the plaintiff filed a notice of appeal and a motion to stay this matter. The notice of appeal divested this Court of jurisdiction. On June 23, 2008, the Fourth Circuit Court of Appeals dismissed the plaintiff's appeal. Therefore, this Court may now rule on the outstanding matters in this case.

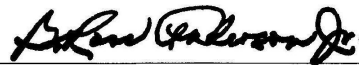
In his November 7, 2007 motion, Plaintiff argues that he cannot proceed with his case until he acquires a transcript of the state criminal hearing at the heart of this matter. Because this Court was divested of jurisdiction during the plaintiff's appeal, the plaintiff has had nearly *nine* months to obtain the transcript he desires. Because of this delay, Plaintiff has had more than enough time to acquire any materials he may need to continue with this action. Therefore, this Court DENIES the plaintiff's motion to further stay this action.

In addition, this Court gives the plaintiff an additional ten days—plus an additional three days for mailing—from the date of the entry of this order to file objections to the magistrate’s Report and Recommendation.

IT IS THEREFORE SO ORDERED THAT the plaintiff’s motion to stay this action be DENIED.

FURTHER IT IS ORDERED THAT the plaintiff be granted an additional ten (10) days, plus three (3) additional days for mailing, to file objections to the magistrate’s Report and Recommendation.

IT IS SO ORDERED.



G. ROSS ANDERSON, JR.
UNITED STATES DISTRICT JUDGE

July 9, 2008
Anderson, South Carolina

NOTICE OF RIGHT TO APPEAL

Pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure, Plaintiff has the right to appeal this Order within thirty (30) days from the date of its entry. Failure to meet this deadline, as modified by Rule 4 of the Federal Rules of Appellate Procedure, **will waive the right to appeal.**